

34A-7-101. Scope of chapter -- Exemptions.

(1) Except as provided in Subsection (2), this part applies to any boiler or pressure vessel used in:

- (a) industrial or manufacturing establishments;
- (b) business establishments;
- (c) sawmills;
- (d) construction jobs; and
- (e) any place where workers or the public may be exposed to risks from the operation of boilers or pressure vessels.

(2) This part does not apply to:

- (a) a boiler or pressure vessel subject to inspection, control, or regulation under the terms of any law or regulation of the federal government or any of its agencies;
 - (b) an air tank located on a vehicle used for transporting passengers or freight;
- or

(c) a boiler or pressure vessel that is excluded from the Boiler and Pressure Vessel Code published by the American Society of Mechanical Engineers.

Amended by Chapter 53, 1999 General Session

34A-7-102. Standards for construction and design -- Special approved designs -- Maintenance requirements.

(1) For the purposes of this part, the standards for the design and construction of a new boiler and new pressure vessel shall be the latest applicable provisions of the Boiler and Pressure Vessel Code published by the American Society of Mechanical Engineers.

(2) This part may not be construed as preventing the construction and use of a boiler or pressure vessel of special design:

- (a) subject to approval of the Division of Boiler and Elevator Safety; and
- (b) if the special design provides a level of safety equivalent to that contemplated by the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers.

(3) A boiler and pressure vessel, including an existing boiler and pressure vessel, shall be maintained in safe operating condition for the service involved.

Amended by Chapter 297, 2011 General Session

34A-7-103. Inspection requirements -- Inspection certificate -- Standards of inspectors.

(1) On and after July 1, 1967, each boiler used or proposed to be used within this state, except boilers exempt under Section 34A-7-101, shall be thoroughly inspected:

- (a) internally and externally;
- (b) annually, except as otherwise provided by this part;
- (c) while not under pressure;
- (d) by:
 - (i) the Division of Boiler and Elevator Safety; or

(ii) an inspector approved and deputized by the Division of Boiler and Elevator Safety; and

(e) as to its safety of construction, installation, condition, and operation.

(2) If at any time a hydrostatic test shall be considered necessary by the Division of Boiler and Elevator Safety to determine the safety of a boiler, the hydrostatic test shall be made at the direction of the Division of Boiler and Elevator Safety allowing a reasonable time for owner or user to comply.

(3) (a) Not more than 14 months shall elapse between internal inspections of a boiler, except not more than 30 months between internal inspections of a large power boiler.

(b) For purposes of this Subsection (3) a "large power boiler" is a boiler operated and monitored continuously with adequate maintenance, combustion, and water controls.

(c) The Division of Boiler and Elevator Safety may extend the inspection interval in writing when proper evidence has been presented as to method of operation, performance records, and water treatment.

(4) (a) All low pressure boilers shall be internally and externally inspected at least biennially where construction will permit.

(b) For purposes of this Subsection (4), a "low pressure boiler" is a boiler with steam 15 pounds per square inch pressure and water 160 pounds per square inch pressure, maximum.

(5) (a) A boiler inspected by a deputized inspector employed by an insurance company, if made within the time limits provided in this section, shall be considered to meet the provisions of this part if:

(i) a report of the inspection is filed with the Division of Boiler and Elevator Safety within 30 days after the inspection; and

(ii) the boiler is certified by the inspector employed by an insurance company as being safe to operate for the purpose for which it is being used.

(b) The inspection and filing of the report with the Division of Boiler and Elevator Safety shall exempt the boiler or boilers from inspection fees provided for in this part.

(6) If a boiler shall, upon inspection, be found to be suitable and to conform to the rules of the commission, the inspector shall issue to the owner or user an inspection certificate.

(7) (a) The Division of Boiler and Elevator Safety may at any time suspend an inspection certificate when in its opinion the boiler for which it was issued may not continue to be operated without menace to the public safety or when the boiler is found not to comply with the safety rules of the commission.

(b) The suspension of an inspection certificate shall continue in effect until the boiler shall have been made to conform to the safety rules of the commission and a new certificate is issued.

(8) An inspector deputized or employed by the Division of Boiler and Elevator Safety under this part shall meet at all times nationally recognized standards of qualifications of fitness and competence for such work.

Amended by Chapter 155, 2006 General Session

34A-7-104. Fees.

The owner or user of a boiler required by this part to be inspected shall pay to the commission fees for inspection or for permits to operate in amounts set by the commission pursuant to Section 63J-1-504.

Amended by Chapter 183, 2009 General Session

34A-7-105. Violation of chapter -- Misdemeanor -- Injunction.

(1) It is a violation of this part and a class C misdemeanor to operate a boiler or pressure vessel subject to this part if:

- (a) certification has been denied or suspended; or
- (b) the boiler or pressure vessel is knowingly operated while constituting a safety hazard.

(2) (a) The Division of Boiler and Elevator Safety may bring a lawsuit in any court of this state to enjoin the operation of any boiler or pressure vessel in violation of this part.

(b) The court may issue a temporary injunction, without bond, restraining further operation of the boiler or pressure vessel, ex parte.

(c) Upon a proper showing, the court shall permanently enjoin the operation of the boiler or pressure vessel until the violation is corrected.

Amended by Chapter 155, 2006 General Session

34A-7-201. Title.

This part is known as the "Elevator and Escalator Safety Act."

Enacted by Chapter 53, 1999 General Session

34A-7-202. Definitions.

As used in this part:

(1) "Division" means the Division of Boiler and Elevator Safety within the commission.

(2) (a) "Elevator" means a hoisting and lowering mechanism:

- (i) equipped with a car or platform; and
- (ii) that moves in guides in a substantially vertical direction.

(b) "Elevator" does not mean:

- (i) a device used for the sole purpose of elevating or lowering materials such as:
 - (A) a dumbwaiter;
 - (B) a conveyor; or
 - (C) a chain, bucket, or construction hoist;
- (ii) a tiering, piling, feeding, or similar machine giving service within only one story;
- (iii) a portable platform;
- (iv) a stage lift;
- (v) a device installed in a single family dwelling;
- (vi) a device installed in a facility owned and operated by the federal

government; or

(vii) an amusement ride, as defined in Section 78B-4-507.

(3) (a) "Escalator" means a stairway, moving walkway, or runway that is:

(i) power-driven;

(ii) continuous; and

(iii) used to transport one or more individuals.

(b) "Escalator" does not mean:

(i) a device used for the sole purpose of elevating or lowering materials such as:

(A) a dumbwaiter;

(B) a conveyor; or

(C) a chain, bucket, or construction hoist;

(ii) a device installed in a single-family dwelling;

(iii) a device installed in a facility owned and operated by the federal

government; or

(iv) an amusement ride, as defined in Section 78B-4-507.

(4) "Owner or operator" means a person who owns, controls, or has the duty to control the operation of an elevator or escalator.

(5) "Safety code" means the one or more codes adopted by the division in accordance with Subsection 34A-7-203(6) to be used in inspecting elevators and escalators.

Amended by Chapter 3, 2008 General Session

**34A-7-203. Requirements for operating an elevator or escalator --
Inspection -- Division duties.**

(1) An elevator or escalator may not operate in this state unless:

(a) the owner or operator of the elevator or escalator obtains an inspection certificate under Subsection (3); and

(b) the inspection certificate described in Subsection (1)(a) has not:

(i) expired under Subsection (3); or

(ii) been suspended under Section 34A-7-204.

(2) An elevator or escalator used or proposed to be used in this state shall be inspected as to its safety to operate in accordance with the safety code:

(a) every two years; or

(b) more frequently than every two years if the division determines that more frequent inspections are necessary.

(3) (a) If upon inspection an elevator or escalator is safe to operate in accordance with the safety code, the inspector shall issue to the owner or operator an inspection certificate.

(b) An inspection certificate issued under Subsection (3)(a) shall expire two years from the date the inspection certificate is issued.

(4) An inspector employed by the division under this part shall at all times meet nationally recognized standards of qualifications for inspectors of elevators and escalators, as defined by rule by the division.

(5) The owner or operator of an elevator or escalator that is used in the state shall pay to the commission a fee in amounts set by the commission pursuant to

Section 63J-1-504:

- (a) for inspection; and
- (b) for an inspection certificate.
- (6) The division:
 - (a) shall provide for the inspection of elevators and escalators in accordance with this section;
 - (b) shall adopt by rule one or more nationally recognized standards or other safety codes to be used in inspecting elevators or escalators; and
 - (c) may adopt amendments to the safety code adopted under Subsection (6)(b).

Amended by Chapter 183, 2009 General Session

34A-7-204. Suspension of inspection certificates -- Violation of part -- Misdemeanor -- Injunction.

- (1) (a) The division may suspend an inspection certificate issued under Section 34A-7-203 if it finds that the elevator or escalator for which the inspection certificate is issued does not meet the requirements of the safety code.
 - (b) The suspension of an inspection certificate shall continue in effect until:
 - (i) the elevator or escalator conforms to the safety code; and
 - (ii) a new inspection certificate is issued.
 - (2) It is a violation of this part and a class C misdemeanor to operate an elevator or escalator in this state if:
 - (a) an inspection certificate for the elevator or escalator has not been issued;
 - (b) (i) an inspection certificate for the elevator or escalator is suspended; and
 - (ii) the requirements of Subsection (1)(b) are not met; or
 - (c) the elevator or escalator is knowingly operated while constituting a safety hazard.
 - (3) The division may bring a lawsuit in any court of this state to enjoin the operation of any elevator or escalator in violation of this part.

Enacted by Chapter 53, 1999 General Session